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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/117,921	03/04/1999	PIERRE BROUN	PM255164	8452
9629	7590 09/10/2003			
MORGAN LEWIS & BOCKIUS LLP			EXAMINER	
	YLVANIA AVENUE NW ON, DC 20004		MCELWAIN, E	ELIZABETH F
			ART UNIT	PAPER NUMBER
			1638	
			DATE MAILED: 09/10/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Application No. Application Art Unit Examiner Art Unit Exam	3						
Examiner Elizabeth F. McElwain Estabeth F. McElwain Elizabeth F. McElwai		Application No.	Applicant(s)				
Examiner Elizabeth F. McElwein	Advisory Action	09/117,921	BROUN ET AL.				
The MA/LING DATE of this communication appears on the cover sheet with the correspondence addr ss THE REPLY FILED 05 August 2003. FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed Amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. FERIOP FOR REPLY [check either a) or b.] **SPENDO FOR REPLY [check either a) or b.] **SPENDO FOR REPLY [check either a) or b.] **The period for reply expires _months from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(i). **Extensions of time may be obtained under 37 CFR 1.138(a). The cate on which the petition under 37 CFR 1.138(a) and the appropriate extension fee nave been filed is the class for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed is the class for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed is the class for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed is the class for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed is the class for purposes of determining the period of extension and the corresponding and of the final rejection, or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the purpose of Appeal was filed on	,, , , , , , , , , , , , , , , , ,	Examiner	Art Unit				
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Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment within places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. **PERIOD FOR REPLY** (check either a) or b)** **PERIOD FOR REPLY** (check either a) or b)** **The period for reply expires 4 months from the mailing date of the final rejection. **Discovery expires 4 months from the mailing date of the final rejection. **Discovery expires 4 months from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(1). **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(1). **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(1). **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(1). **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(1). **The proposed of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee news been filed in the date for purpose addition. The filed for the filed petition of the filed from filed the filed for the filed scale for the filed scale for the filed scale for, or 2) as at 60 th in a 37 CFR 1.136(a). The filed	The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence addr ss				
a) The period for reply expires _f.months from the mailing date of the final rejection. b) The period for reply expires or .(1) the mailing date of this Advisory Action, or .(2) the date set forth in the final rejection, whichever is later. In no event, however, with the statutory period for reply expires are than SIX MONTH's from the mailing date of the final rejection. See MPEP .764.77(). EXECUTED THIS BOX WHIGH THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP .764.77(). EXECUTED THE REST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP .764.77(). EXECUTED THE REST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP .764.77(). EXECUTED THE REST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP .764.77(). EXECUTED THE REST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP .764.77(). EXECUTED THE REST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP .764.77(). EXECUTED THE REST REST REST REST REST REST REST RES	Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1 condition for allowance; (2) a timely filed Notice of Appe	void abandonment of this application in the same of this application in the same of the sa	cation. A proper reply to a ch places the application in				
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have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from (1) the expiration date of the shortened statutory period for reply originally set in the filoria ection; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any searned patent term adjustment. See 37 CFR 1.704(b). 1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise the issue of new matter (see Note below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3. Applicant's reply has overcome the following rejection(s): 112,1 st paragraph for written description. 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: \$ee Continuation Sheet. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(b) The period for reply expires on: (1) the mailing date of this Adv event, however, will the statutory period for reply expire later the ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS	isory Action, or (2) the date set forth in th an SIX MONTHS from the mailing date o	f the final rejection.				
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10. ☐ Other: Elizabeth F. McElwain Primary Examiner	8. The proposed drawing correction filed on is	a) approved or b) disap	proved by the Examiner.				
Elizabeth F. McElwain Primary Examiner	9. Note the attached Information Disclosure Stateme	nt(s)(PTO-1449) Paper No(s).					
Elizabeth F. McElwain Primary Examiner	10.						
	·						



Application No.

Continuation of 5. does NOT place the application in condition for allowance because: the discussion in the specification regarding the expression of mutant desaturase genes in plants is merely prophetic.